

Amendment No. 5 to HB2337

**Clem
Signature of Sponsor**

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2321

House Bill No. 2337*

By adding the following language immediately preceding the final section and by redesignating the remaining section accordingly:

SECTION __. Tennessee Code Annotated, Section 50-6-208(b)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(b)

(1)

(A) In cases where the injured employee has received or will receive a workers' compensation award or awards for permanent disability to the body as a whole, and the combination of such awards equals or exceeds one hundred percent (100%) permanent disability to the body as a whole, the employee shall not be entitled to receive from the employer or its insurance carrier any compensation for permanent disability to the body as a whole that would be in excess of one hundred percent (100%) permanent disability to the body as a whole, after combining awards.

(B) Benefits which may be due the employee for cumulative disability to the body as a whole in excess of one hundred percent (100%) permanent disability to the body as a whole in the employee's lifetime, after combining awards, shall not be recoverable from either the employer or the second injury fund.

(C) It is the intention of the general assembly that once an employee receives an award or awards for permanent disability to the body as a whole, and such awards total one hundred percent (100%)

cumulative, permanent disability, any permanent disability compensation otherwise due for subsequent compensable injuries to the body as a whole shall not be recoverable against the employer or the second injury fund.